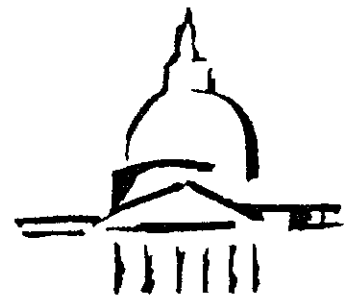


Remarks for Assembly Committee on Transportation
Regarding Assembly Bill 639
By Representative Kitty Rhoades
January 17, 2008



KITTY
RHOADES
STATE REPRESENTATIVE

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Thank you for having a public hearing on Assembly Bill (AB) 639 and providing me the opportunity to testify in support of this proposal. Under current law, law enforcement officers may electronically access information contained on a driver's license through transaction information for the management of enforcement (TIME) system, which is administered by the Department of Justice (DOJ). AB 639 will allow law enforcement officers to electronically access driver's license photos through the TIME system.

This commonsense proposal will enhance public safety by enabling law enforcement to confirm the identity of individuals for the administration of criminal justice or traffic enforcement purposes. By the same token, the legislation will protect individuals who are victims of those who provide false identifying information to a law enforcement officer.

While many law enforcement organizations have gone on record in support of this legislation, it was initially brought to my attention by local law enforcement in the North Hudson and Somerset Police Departments. Additionally, the proposal has gained the support of many law enforcement associations including the Wisconsin Chiefs of Police Association, Wisconsin County Police Association, Milwaukee Police Association, and Milwaukee Deputy Sheriffs Association.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
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WRITTEN TESTIMONY OF ATTORNEY GENERAL J.B. VAN HOLLEN IN SUPPORT OF
2007 ASSEMBLY BILL 639

Assembly Transportation Committee
Thursday, January 17, 2008

Representative Petrowski, members of the Assembly Transportation Committee, thank you for the opportunity to testify in support of what I believe is very important public safety legislation.

The TIME system¹ is a computer-based law enforcement communications control center, managed by the Department of Justice. It is the critical information network relied on by law enforcement officers for timely, accurate, on-the-scene information.

The TIME system network has been operational for over 35 years. During most of that time, Wisconsin motor vehicle operator licenses have included photographs. And for the past 10 years, law enforcement has had the ability to make a written request to DOT for drivers' license photographs. But as the technical capability to transmit images in real time over the TIME system has become a reality in recent years, the law—at least as it relates to drivers' license photos—has lagged behind.

As Attorney General, I've had the privilege of traveling the state and meeting with local law enforcement to talk about what we can do at the state level to help them do their jobs better. One issue that's been repeatedly raised is the desirability of the TIME system to carry drivers' license photos. And it's an issue with good reason. Public safety and law enforcement can be considerably enhanced by enabling real-time access to DOT photos.

Consider an elderly woman, suffering from dementia yet physically healthy. She's discovered to be missing as a Wisconsin winter evening approaches. She is probably wandering, possibly abducted. An inquiry to the TIME system may yield her driver's license picture, which can be transmitted to all officers in the area so they will know instantaneously who they are searching for, saving considerable time, and possibly saving her life.

Electronic access to DOT photos through the TIME system would also improve officer safety. Consider a traffic stop, a common yet dangerous duty performed by officers every day. When the officer first approaches the vehicle, he or she typically has no idea who the occupants are. A produced ID or self-identification could be false. With real-time electronic access to DOT

¹ TIME stands for Transaction Information for Management of Enforcement.

photos, the officer will quickly be alerted to a false identification and the increased potential for a dangerous situation. Knowing the driver has lied about his identity, the officer will radio for help and wait to re-approach the car until back up arrives and it can be done more safely. Most false identifications are given to officers because the driver has something to hide, whether a revoked license, identity theft, or an arrest warrant. What may have been a dangerous traffic stop without electronic access to DOT photos might become the safe apprehension of a fugitive with electronic access to photos.

Moreover, electronic access to drivers' license photographs might prevent *misidentification* where people share names.

The good news is that we have the capability to do this. In recent years, the TIME system has undergone technical modifications so that it can handle transmitting digital images. To be sure, some technical changes will need to be worked out; we have to enable DOJ computers to talk to DOT's computers so that we can receive DOT images. And we'll have to program our computers to transmit those images upon receiving a request bearing the appropriate electronic signature.

This isn't costless. But there is federal grant money available to promote the interstate driver photo sharing, and we anticipate being eligible for and receiving some funds to offset costs. Moreover, I intend to cover the difference between federal funds and expected costs without asking for a new appropriation or delaying other critical projects. Through litigation, the Department of Justice periodically receives funds that I have some discretion in spending. I am committed to using these limited funds to enhance DOJ operations and law enforcement projects that have a strong nexus to the agency. Upgrading TIME to enable real-time access to DOT photos is such a project. It makes DOJ better, and it makes local law enforcement and the communities they protect safer.

Law already permits law enforcement access to driver photos through written requests, but the process takes considerable time. Technology exists to effectuate the policy behind the current law instantaneously. It is time for the law to permit law enforcement to take full advantage of modern technology – for their safety, and for the safety of the public they serve.



Wisconsin Troopers' Association

Casey Perry – Executive Director

Glen Jones – President

2099 Ironwood Drive, Green Bay, Wisconsin 54304-1972

Phone: (Toll Free: 1-800-232-1392) Fax: (Toll Free: 1-800-232-1392)

<http://www.wi-troopers.org/>

TO: Chairman Petrowski and Committee Members
Assembly Committee on Transportation

FR: Casey Perry

DA: January 17, 2008

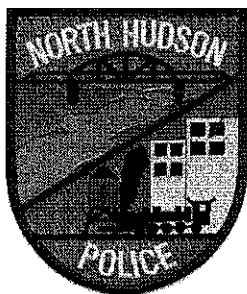
RE: Support for AB 639, legislation providing access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

The Wisconsin Troopers Association (WTA) supports AB 639, which seeks to grant law enforcement agencies electronic access to photographs on motor vehicle operator licenses and identification cards. We believe this legislation will serve to aid law enforcement in effectively performing their job.

This bill will make it possible for law enforcement personnel to access drivers' license/state ID card photos quickly and easily from a computer in their patrol vehicle or at a police station. Under current law this process can take as long as two weeks. Reducing this delay will not only increase officer efficiency but also help protect citizens from misidentification.

Additionally, this bill protects the privacy of individuals by preserving regulations that prevent the further disclosure of these photographs by law enforcement. This bill enables law enforcement to better perform their jobs thereby better serving the public.

We would like to recognize Rep. Rhoades for her leadership and insight and we urge the committee's support. Feel free to contact Annie Early at 414-405-1050 with any questions or concerns about our position. Thank you.



NORTH HUDSON POLICE DEPARTMENT

Village of North Hudson

400 Seventh Street North • Hudson, Wisconsin 54016
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Mark D. Richert
Chief of Police

January 16, 2008

Representative Jerry Petrowski (Chair)
Representative Garey Bies
Representative Alvin Ott
Representative Eugene Hahn
Representative Mark Gottlieb
Representative Karl Van Roy

Representative Brett Davis
Representative John Steinbrink
Representative Michael Sheridan
Representative Gary Sherman
Representative Phil Garthwaite

RE: Support of AB 639

Dear Members of the Assembly Transportation Committee,

I thank you for the opportunity to express my support of AB 639. I am grateful to Representative Rhoades and her staff for hearing the concerns of law enforcement agencies within her district and taking a much needed step to support Officer Safety and efficient law enforcement service in Wisconsin.

As the Chief of Police of a border town in Wisconsin, my officers and I deal with residents from the State of Minnesota on a daily basis. In March of 2004, the North Hudson Police Department was provided access to the Minnesota Driver and Vehicle Services Website, which could be accessed using a computer with an Internet Explorer and an assigned username and password. Each user was required to sign an agreement, which limited the use of the website to legitimate law enforcement uses only and prohibited dissemination, copying, unauthorized disclosure, etc.

The information available from the site included driver's license information, identification card information, vehicles registered to an individual, and most importantly, the Minnesota Department of Public Safety driver's license photos, both current and historical.

Since March of 2004, North Hudson Officers have utilized the information frequently to verify identification of subjects who provide personal information without physically handing over a photo driver's license or identification card through comparing the person to the driver's license photo and other physical attributes listed.

The access to the photograph of a person of interest or suspect prior to conducting a "knock and talk" or warrant service provides for quicker identification upon establishing

contact at the door. Many incidents are time sensitive and being able to pull up an electronic photograph while in a squad car equipped with a Mobile Data Computer (MDC) allows for safe and efficient law enforcement practices.

Electronic access to MN driver's license photographs has shown to be invaluable tool to the department and it has been a hope of this department that Wisconsin would allow electronic access to driver's license photos in the future.

I am confident that AB 639 will provide Wisconsin Law Enforcement with a secure tool, protecting the privacy and rights of our citizens, while providing more efficient police services and increasing the safety of the young men and woman who serve their communities as law enforcement officers.

Again, I thank you for your attention to this very important matter and I ask for your support of AB 639.

Very truly yours,

Mark D. Richert, Chief
North Hudson Police Department



SOMERSET POLICE DEPARTMENT

"DEDICATED TO SERVING OUR COMMUNITY"

DOUGLAS J. BRIGGS, CHIEF OF POLICE

Wisconsin State Assembly
Transportation Committee

January 11, 2008

The Honorable Jerry Petrowski, State Representative (Chair)

Members

Honorable Gary Bies, State Representative
Honorable Eugene Hahn, State Representative
Honorable Mark Gottlieb, State Representative
Honorable Brett Davis, State Representative
Honorable Michael Sheridan, State representative

Honorable Alvin Ott, State Representative
Honorable Mark Gottlieb, State Representative
Honorable Karl Van Roy, State Representative
Honorable John Steinbrink State Representative
Honorable Phil Garthwaite, State Representative

Dear Committee Members,

Thank you for this opportunity to express my agency's support for AB 639. My staff and I believe that this legislation is important for the protection of our citizens. In support of that belief, I present the following scenario which is not an uncommon occurrence in our jurisdiction.

Our officers rely on the driver's license of a person that they have contact with as verification of that person's identity. Many persons do not carry their driver's license and our officers will then rely on that person to provide information that will be verified by checking the Department of Transportation files which will give a quick answer as to whether that person is on file with the department. The person will provide their name and date of birth which is required to run the check. We have faced situations in the past where a person contacted by our officer has given the name and date of birth of another person who did return as being on file with the Department of Transportation. Our officer then completed their contact with the person based on that information and may have even issued a citation based on the erroneous information. We now have an innocent citizen whose name has been used by another and it will be months before this comes to light. Once a summons is issued to the innocent citizen it is the first indication that their identity has been used by another and they normally contact our department and begin the process of clearing their name. This process may take up to another month and very seriously disrupts the innocent person's life.

Our officer has done all that they could to verify the person's identity but without access to the photograph of the person, complete assurance of the identity is not possible. Although Wisconsin does have a statute that requires everyone, when operating a vehicle, to have their driver's license on their person, this is rarely enforced by the courts. The courts realize that with modern technology an officer can verify the existence of a valid license through a license check within minutes and that prosecution for an omission that can be compensated for by modern technology is unreasonable.

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SOMERSET POLICE DEPARTMENT

"DEDICATED TO SERVING OUR COMMUNITY"

DOUGLAS J. BRIGGS, CHIEF OF POLICE

Our community is very close the Wisconsin and Minnesota border. The Minnesota Department of Transportation graciously allows our officers to access their data base and examine driver's license photographs through the internet. Since we have been allowed to do so the occurrence of someone stealing another's identity through their Minnesota driver's license information has dropped to zero. Our officer is able to uncover the ruse immediately and save an innocent citizen the trouble of having to clear their name.

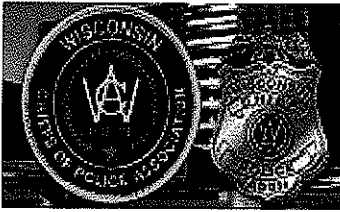
With such a transient society, modern technology and those who would use that technology to victimize others it is imperative that our officers have every resource available to protect our citizens. The ability to immediately verify a person's identity is crucial to the protection of our citizens, both collectively and individually. In this day of increasing threats of identity theft and terrorism we respectfully ask for this added resource to protect our citizens. Our officers are mindful of the privacy guarantees that are provided by the U.S. and Wisconsin Constitutions and are prepared to only use this resource under the spirit of personal freedom those documents guarantee.

Thank you for this opportunity and if I can provide any other information to help you in your decision please do not hesitate to ask me.

Respectfully,

Douglas J. Briggs
Chief of Police
Somerset Police Department

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Chiefs of Police Association

Date: Thursday, January 17, 2008

To: Representative Jerry Petrowski, Chair;
and Members of Assembly Committee on Transportation

From: Chief Doug Pettit, Oregon Police Chief and Chair, Wisconsin Chiefs of Police Association Legislative Committee

Re: Support AB 639 – TIME Legislation

The Wisconsin Chiefs of Police Association represents 357 Wisconsin law enforcement leaders and we strongly support Rep. Kitty Rhoades' efforts to assist law enforcement officers better do their jobs on Wisconsin highways.

This bill requires the Department of Transportation (DOT) to make photographs they take of individuals with driver's licenses or identification cards available to the Department of Justice (DOJ), in a digital format. The bill requires DOJ to provide electronic access of these photographs to Wisconsin law enforcement agencies, federal law enforcement agencies, and law enforcement agencies of other states' operator's license and identification card photographs.

Increasingly, the number of police vehicles that are equipped with Mobile Data Computers (MDC) that allow Internet access, also provide police with key information to do their duties more efficiently and effectively. Photographs can help victims identify suspects in a police line up and help officers "verify" that an individual's body characteristics match that of a driver if someone's name is used.

We are sensitive to the need for security measures and support the DOJ electronic access points that would be controlled by both a username and password.

To help law enforcement do their jobs more efficiently, access to these photographs would be available electronically through the TIME system if the law enforcement agency submits an electronic request satisfying certain conditions. Current law has safeguards so that measures must be taken to guard against further disclosure of photographs provided to law enforcement agencies obtained electronically through the TIME system.

DOJ and DOT must ensure that, upon submission by law enforcement agencies of electronic requests meeting the requirements under the bill, electronic access to photographs is promptly available to these requesting agencies.

If you have additional information, please feel free to contact me at (608) 835-6250 or dpettit@vil.oregon.wi.us, or Alice O'Connor at (608) 257-7181 or aoconnor@murphydesmond.com.

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Treasurer

Fond du Lac County
Rick Olig
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Fond du Lac, WI
54935

Date: January 14, 2008

To: Chairman Petrowski and members of the Assembly Committee on Transportation

From: President Chris A. Gulbrand

Re: Assembly Bill 639

Chairman Petrowski and members of the Assembly Committee on Transportation thank you for holding a hearing on Assembly Bill 639. The Wisconsin County Police Association supports Assembly Bill 639 and we appreciate Representative Kitty Rhoades taking the lead on this important piece of legislation.

Under current law, a law enforcement officer must submit a written request to the Department of Transportation to request a driver's license or identification card photograph. This service is only available on business days from 7:30 A.M. to 5:00 P.M., and is not available in the evenings, on weekends or holidays. This calculates out to a maximum availability of 47.5 hours per week, or only 28.3% of the time, over a 24/7 work week. Formal request turnaround may be anywhere from hours to overnight.

The current process is ineffective when a law enforcement officer must accurately identify an individual within a timely manner. Assembly Bill 639 would allow officers electronic access to these photographs through the Department of Justice. Electronic access to DMV photographs during routine and emergency situations would help keep law enforcement officers and the public safe, and would also improve agency efficiency in these circumstances.

Take a routine traffic stop, for instance. Surprisingly, many drivers do not carry their driver's license and officers must obtain identifying information verbally from the driver. This is often frustrating for the driver and can be a safety risk for the officer, especially if the driver is attempting to avoid true identification by using another person's identifying information. With an increasing number of patrol vehicles being equipped with Mobile Data Computers using DOT and Internet access, under AB 639 officers would be able to quickly pull up an electronic

photograph of the driver. This would lessen any frustrations that the driver may have and would also make a routine traffic stop safer for the officer involved.

In all situations, whether it is a routine traffic stop or a warrant apprehension, it is important that law enforcement officers have the ability to verify an individual's identification in a timely manner. The passage of Assembly Bill 639 will provide all law enforcement officers across the State the mechanism to do so.

The Wisconsin County Police Association is committed to representing the best interests of county law enforcement across this great state. In this endeavor the Wisconsin County Police Association wishes to recognize and endorse those individuals who promote the best interests of county law enforcement. The Wisconsin County Police Association remains Wisconsin's only statewide organization to exclusively represent the interest of county law enforcement officers.

The Wisconsin County Police Association has maintained a membership of approximately 1,800 full-time members representing nearly every county in the state. We continue to be an important and effective representative of county law enforcement and its officers.

Milwaukee POLICE Association®

Local #21 IUPA-AFL-CIO



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January 17, 2008

Representative Jerry Petrowski
Transportation Chairman
Room 11 North
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Representative Petrowski:

On behalf of the approximately 1,700 law enforcement officers in the Milwaukee Police Association (MPA) please accept this correspondence as support for AB639, granting electronic access by law enforcement agencies to photographs on motor vehicle operator's licenses and identification cards.

Currently if a DOT driver license is needed for a law enforcement investigation there are a variety of steps that have to be followed. These steps include the following:

1. The name of the person whose photograph is requested.
2. The name of the person making the request and the Wisconsin Law Enforcement agency that employs the requestor.
3. A statement that is signed by the division commander or higher authority within the Wisconsin Law Enforcement Agency that the photograph is requested for any of the following purposes:
 - a. An investigation of unlawful activities
 - b. A missing person investigation
 - c. The identification of an accident victim
 - d. The identification of a deceased person

Under the current law, these restrictions can hamper an investigation because it is unable to obtain the information in a timely manner. Officers of the Milwaukee Police Department are currently awaiting a turn around time of at least 24 hours before that information is sent to them from DOT. Also, if a request for a photograph is made from any Wisconsin Law Enforcement Agency after business hours on a Friday night, that agency will not receive the needed photograph until the following Monday or Tuesday.

Representative Jerry Petrowski

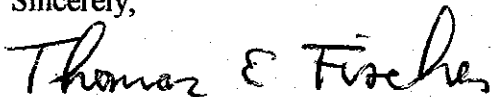
January 17, 2008

Page 2

Also, under the current law, when a law enforcement officer conducts a traffic stop and the driver has no identification on them it makes it difficult to properly identify the person driving without a photograph. Currently if an officer makes a traffic stop and the driver has no identification on them the officer can do a wanted check and drivers license status check on that person. On the response that the officer would receive from DOT files currently identifies the race/sex of the person according to the DOT records. If that information does not help in identifying that person the officer has no other choice than to arrest that person and have them conveyed to a booking facility in order to use other means to identify that person, and then to have them post a bail for that traffic violation. This is only one of several reasons that a citizen would be inconvenienced because these photographs are not made available to law enforcement agencies.

The MPA supports this bill for the above stated reasons. We believe not only would this bill benefit law enforcement agencies but also the citizens throughout Wisconsin by using this valuable piece of information.

Sincerely,



Thomas E. Fischer

Vice President

Local #21, IUPA, AFL-CIO

TEF/cmj

OPEIU, Local #9-AFL-CIO-CLC